

**Security Council**

Distr.: General
7 July 2009

Original: English

Letter dated 7 July 2009 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit a letter dated 1 July 2009 from Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda (see annex). The letter relates directly to the ability of the Tribunal to complete its work.

In his letter, President Byron states that the Russian Federation intends to replace Judge Sergei Aleckseevich Egorov when he resigns from the Tribunal. President Byron requests that, though replaced, Judge Egorov should be permitted to continue to serve at the International Tribunal until the completion of the cases to which he was assigned. The Tribunal would therefore have two permanent judges from the Russian Federation serving at the same time. He also requested that the Security Council allow derogation from the statutory prohibition against two judges of the same nationality serving at the Tribunal at the same time.

I would be grateful if you could bring the letter from President Byron to the attention of the members of the Security Council. I would appreciate the Security Council considering this matter at the earliest opportunity in order to provide the Tribunal with the continuity and certainty necessary for the efficient completion of its work.

(Signed) **Ban Ki-moon**
Secretary-General

Annex

Letter dated 1 July 2009 from the President of the International Criminal Tribunal for Rwanda to the Secretary-General

I am writing to you as a follow-up to my letter of 15 June 2009 in which I explained the need for an additional judge to serve at ICTR (International Criminal Tribunal for Rwanda).

In addition to my suggestions to recur to former permanent ICTY (International Tribunal for the Former Yugoslavia) judges or to the ad litem judges included in the ICTY roster for the recruitment of an additional judge, a third possible option has now appeared: The Russian Federation has approached me with the wish to nominate a permanent judge to replace Judge Egorov who has expressed his wish to return to his home country after completion of the cases he is currently assigned to.

In my letter of 23 June 2009 to the Russian Foreign Ministry, I pointed out that the Tribunal would support this request on the condition that the judge would be available to join the Tribunal in the coming two months so that he could be assigned to the remaining new trials which are all supposed to start no later than September 2009.

I have received a reply dated 30 June 2009 indicating that the Russian Federation "accepts[s] the proposal that a replacement judge would commence his or her service within the next two months". With this undertaking in mind, I would therefore support the Russian request for a replacement for Judge Egorov as a permanent judge. This judge should join the Tribunal as soon as possible and join the bench in one or two of the new cases.

Judge Egorov has agreed to submit his resignation to facilitate the process. In order to ensure that he can complete his work on the cases he is assigned to and which are still in judgement drafting phase, the Security Council would need to authorize him to finish these cases, notwithstanding his resignation and notwithstanding article 11, paragraph 1, of the Tribunal's Statute. The Security Council used a similar procedure in, for example, resolution 1482 (2003).

I would be grateful if you could bring this urgent matter to the attention of the Security Council.

(Signed) Dennis **Byron**
President